HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.16014 of 2007

Date: 01-10-2007.

Between :

M/s.Southern Power Distribution Company of A.P. Limited, Tirupathi, rep. by its General Manager (Costing).

.....Petitioner

And

Commercial Tax Officer-II, Tirupati & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.16014 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

On being mentioned, this writ petition is taken up. It appears that the order we have dictated on 26.07.2007 was not dictated in the present case. Because of some rush of work of the Court Masters, it appears that the mistake has been committed. Therefore, the order dated 26.07.2007 is recalled.

The matter is heard in the presence of the parties. Case of the petitioner is that his stay application has been rejected by the competent authority and the appeal is pending before the 2nd respondent. Since the appeal is pending, we feel that the interests of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the

same shall be given credit. Writ Petition is disposed of accordingly. No costs.

_____
BILAL NAZKI, J

1st October 2007.

_____
S.

ANANDA REDDY, J

N.B:

Operative portion by wire at party's cost.

(B/o) ajr.